## REMARKS/ARGUMENT

The present Amendment is submitted with an RCE in accordance with 37 CFR §1.114. This Amendment is in response to the Final Office Action of March 6, 2003. Applicants note that a proposed Amendment was submitted on May 6, 2003, and an Advisory Action issued from the Office on May 13, 2003. The Advisory Action stated that the proposed Amendment would not be entered as it was not deemed to place the application in better form for appeal. It is respectfully requested that the previously submitted proposed Amendment be entered at this time, along with this Amendment.

## Rejections under 35 USC §102

Claims 1-26 were rejected under 35 U.S.C. §102(e) as being anticipated by McMurdie et al. (U.S. Patent No. 6,401,169). This rejection is respectfully traversed, and Applicant requests reconsideration.

McMurdie et al. teach a method for handling buffer under-runs during the recording of files to an optical disc. The McMurdie et al. method includes reserving a track for recording a file system associated with recording of one or more files to the optical disc. The one or more files are recorded to the optical disc in a track that logically follows the reserved track. In case of a buffer under-run, a current track is closed, a gap recorded, and recording resumed in a new track following the gap. Path tables and directory descriptors of the file system are written after the recording of the one or more files, and a volume descriptor sequence of the file system is recorded in the reserved track after recording the path tables and the directory descriptors.

In independent claim 1 of the present invention, Applicant claims a method for processing data to be recorded on an optical disc. The method includes examining a set of files selected to be recorded on the optical disc, and creating a record data structure for each file in the set of files to be recorded on the optical disc. A set of pointers is generated to associate the record data structures with a writing order, and each of the record data structures is processed one after another in the writing order to produce

ordering data structures for each file in the set of files. The ordering data structures are processed to write the set of files onto the optical disc in the writing order.

In independent claim 9 of the present invention, Applicant claims a method for recording data onto an optical disc. The method includes generating a set of pointers to associate record data structures with a writing order, and processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in a set of files. The ordering data structures are processed to write the set of files onto the optical disc in the writing order.

Finally, in independent claim 19 of the present invention, Applicant claims a computer readable media having program instructions for recording data onto an optical disc. The computer readable media includes program instructions for examining a set of files selected to be recorded on the optical disc, and for creating a record data structure for each file in the set of files to be recorded on the optical disc. Program instructions are also included for generating a set of pointers to associate record data structures with a writing order, as well as for processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in a set of files. Program instructions then provide for processing the ordering data structures to write the set of files onto the optical disc in the writing order.

In order for a reference to anticipate a claim, *each and every element as set forth in the claim* must be found in the reference, either expressly or inherently described. MPEP 2131. Applicant respectfully submits that McMurdie et al. do not anticipate Applicant's independent claims 1, 9, or 19. The following element by element analysis of Applicant's independent claims 1, 9, and 19, compared to the McMurdie et al. reference illustrates that McMurdie et al. do not anticipate Applicant's independent claims 1, 9, and 19, and therefore do not anticipate the dependent claims therefrom.

| Applicant's Independent Claim | McMurdie et al. |
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| 1. A method for processing data to be recorded on an optical disc, comprising: | • McMurdie et al. teach the formatting of an optical disc to which data is recorded to manage buffer under run, and this could be considered the "processing of data recorded on an optical disc" in its broadest interpretation. |
| • examining a set of files selected to be recorded on the optical disc; | • Given that McMurdie et al. teach the formatting of the destination optical disc, it is probably inherent that the set of files recorded to the destination optical media are, or need to be, examined at some point. |
| • creating a record data structure for each file in the set of files to be recorded on the optical disc; | • *No.* No part or section of McMurdie et al. teach or suggest a record data structure. Further, as McMurdie et al. teach the formatting and structure of a destination optical media, the use and function of the record data structure is essentially irrelevant to the McMurdie et al. process, *i.e.*, it is irrelevant to the McMurdie et al. process how the files or other data are processed or "get" to the destination optical disc, but rather McMurdie et al. teach the structure and format of the files or other data on the destination optical media. |
| • generating a set of pointers to associate the record data structures with a writing order; | • *No.* McMurdie et al. teach structure and format of data on the destination optical disc, and the associated process of creating the structure and format in writing the files *on the destination optical disc.* McMurdie et al. do not teach, or suggest, how the files or other data are processed by the host system from the source to the CD recording engine. |

| Applicant's Independent Claim | McMurdie et al. |
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| | McMurdie et al. teach methods and structures arising from the CD recording engine to the destination optical media. It is noted that McMurdie et al. do teach that the VDS has a pointer to the file system, but again, the VDS and the file system are structures related to the structure and format of the destination optical disc. Further, while McMurdie et al. teach a "writing order" in that a first track is reserved, the file system is written after the data is written, etc., McMurdie et al. do not teach record data structures, or the specific order or sequence of each file written to the destination optical media, and therefore do not teach or suggest associating a record data structure with a writing order. |
| • processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in the set of files; and | • *No.* McMurdie et al. do not teach record data structures, and therefore do not teach the sequential processing (one after another in the writing order) of the record data structures to produce ordering data structures for each file in the set of files. Since McMurdie et al. teach the structure and formatting of a destination optical disc, the record data structures and the ordering data structures for each file are irrelevant to the McMurdie et al. method and structure. Record data structures and ordering data structures are host processing system structures and are not written to or part of the destination optical disc structure and format taught by McMurdie et al. |

| **Applicant's Independent Claim** | **McMurdie et al.** |
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| • processing the ordering data structures to write the set of files onto the optical disc in the writing order. | • ***No.*** McMurdie et al. do teach an order for writing data to the destination optical disc, *i.e.*, that the file system is written *after* the data files are written, etc., but since the format and structure of the destination optical media is essentially unrelated to the ordering data structures of the host processing system, McMurdie et al. do not teach or suggest the processing of ordering data structures to write the set of files onto the optical disc in the writing order. |
| 9. A method for recording data onto an optical disc, comprising: | • McMurdie et al. teach a method for recording data onto an optical disc. |
| • generating a set of pointers to associate record data structures with a writing order; | • ***No.*** McMurdie et al. do not teach record data structures. McMurdie et al. teach that the VDS has a pointer to the file system, and teach that the data is written before the file system which, in its broadest sense is a "writing order," but McMurdie et al. do not teach record data structures, and therefore do not teach generating a set of pointer to associate record data structures with a writing order. |
| • processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in a set of files; and | • ***No.*** McMurdie et al. do not teach record data structures. McMurdie et al. do not teach ordering data structures. McMurdie et al. do not teach processing record data structures one after another in the writing order. McMurdie et al. do not teach the processing of files, any files, one after another in the writing order, but rather teach recording data until a buffer under run occurs. |

| Applicant's Independent Claim | McMurdie et al. |
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| • processing the ordering data structures to write the set of files onto the optical disc in the writing order. | • *No.* McMurdie et al. do teach the writing of data, perhaps a set of files, onto a destination optical disc, but do not teach or suggest ordering data structures, or how the set of files is arranged in a writing order. |
| 19. A computer readable media having program instructions for recording data onto an optical disc, the computer readable media comprising: | • McMurdie et al. teach a computer readable media to implement a method of recording data to an optical media. |
| • program instructions for examining a set of files selected to be recorded on the optical disc; | • Because McMurdie et al. teach a method of structuring and formatting a destination optical disc, it is probably inherent that the files or data recorded are examined. |
| • program instructions for creating a record data structure for each file in the set of files to be recorded on the optical disc; | • *No.* McMurdie et al. teach structure and formatting of a destination optical disc. A record data structure is associated with and germane to host processing of the set of files selected for recording and is essentially unrelated to the structure and format of the destination optical disc. McMurdie et al. do not teach host processing of the set of files prior to the writing of files by the CD recording engine, and therefore do not teach the creation of a record data structure for each file in the set of files to be recorded. |
| • program instructions for generating a set of pointers to associate record data structures with a writing order; | • *No.* McMurdie et al. do teach pointers in the VDS to the file system, both being on the destination optical media, but nothing in the McMurdie et al. reference teaches host processing of the data selected for writing, and of or related to associating record data structures with a writing order. |

| **Applicant's Independent Claim** | **McMurdie et al.** |
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| • program instructions for processing each of the record data structures one after another in the writing order to produce ordering data structures for each file in a set of files; and | • *No.* McMurdie et al. do not teach record data structures, and do not teach ordering data structures. |
| • program instructions for processing the ordering data structures to write the set of files onto the optical disc in the writing order. | • *No.* McMurdie et al. do not teach, or suggest, ordering data structures or their processing. |

As Applicant has argued in previous Amendments, the presently claimed features are focused on, take place in, or are otherwise related to the processing of data *on a host computer or system*. In contrast, the McMurdie et al. reference describes the formatting and/or structuring of a destination optical disc. Stated another way, Applicant is claiming features that are related to or take place in the environment that essentially spans the region from the source of the selected files through the recording engine. McMurdie et al. teach features, processes, and structures that are related to or take place in the environment that essentially spans the region from the recording engine through the destination optical disc, and primarily on the destination optical disc. While there may be some cross-over and related concepts, the McMurdie et al. reference neither teaches or suggests the features claimed by Applicant.

As stated above, Applicant's independent claims 1, 9, and 19 are anticipated only if each and every element as set forth in the claims are found in the reference. Applicant respectfully submits that the McMurdie et al. does not anticipate Applicant's independent claims 1, 9, or 19. Likewise, Applicant's dependent claims 2-8, 10-18, and 20-26, each of which depends directly or indirectly from one of independent claims 1, 9, or 19, are not anticipated by the McMurdie et al. reference. Applicant therefore respectfully requests reconsideration of the rejections, and that the §102 rejections be withdrawn.

In view of the foregoing, Applicants respectfully request reconsideration of claims 1-26. Applicants submit that all claims are in condition for allowance.

Accordingly, a notice of allowance is respectfully requested. If Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6905. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. Docket No. ROXIP120). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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